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ATTORNEYS FOR PLAINTIFF JOHN KESSLER,  
ADMINISTRATOR OF THE ESTATE OF RUTH HAWKINS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOHN KESSLER, ADMINISTRATOR OF  
THE ESTATE OF RUTH FOUND  
HAWKINS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. C-06-07492-RS

STIPULATION AND ~~PROPOSED~~ ORDER  
RE: HEARING DATE AND BRIEFING  
SCHEDULE ON *PLAINTIFF'S MOTION*  
*FOR SUMMARY JUDGMENT* OR PARTIAL  
MOTION FOR SUMMARY JUDGMENT,  
*DEFENDANT'S CROSS-MOTION FOR*  
*SUMMARY JUDGMENT*

Plaintiff John Kessler, Administrator of the Estate of Ruth Found Hawkins, and  
Defendant the United States of America, by and through their undersigned counsel, hereby  
stipulate as follows:

1. WHEREAS Plaintiff intends to file a motion for summary judgment or partial  
summary judgment and Defendant anticipates filing a cross-motion for summary judgment;

2. WHEREAS a hearing on such motions is scheduled for January 9, 2008;

3. WHEREAS the parties desire to reschedule the hearing to February 27, 2008;

4. WHEREAS the parties have agreed to a briefing schedule for such motions;

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5. WHEREAS the parties have previously agreed to one time modification relating to the filing of pleadings on Defendant's motion for summary judgment and Defendant has only requested an extension of time in this matter with respect to the initial status conference;

6. WHEREAS the rescheduled hearing will effect the Court's calendar but the stipulated briefing schedule will not because the all pleadings will be filed in advance of the deadlines imposed by the Federal Rules of Civil Procedure;

IT IS PROPOSED AND STIPULATED:

The date set for Plaintiff to file his motion for summary judgment or partial summary judgment is January 9, 2008. The date set for Defendant to file its opposition to Plaintiff's motion for summary judgment or partial summary judgment, as well as a cross-motion for summary judgment, is January 23, 2008. Plaintiff's reply to Defendant's opposition to his motion for summary judgment or partial summary judgment, as well as Plaintiff's opposition to Defendant's cross-motion for summary judgment, will be due January 30, 2008. Defendant's reply to Plaintiff's opposition is due February 6, 2008. The hearing on both the motion for summary judgment and the cross-motion for summary judgment will be held on February 27, 2008.

IT IS SO STIPULATED.

DATED: NOVEMBER 7, 2007

BERLINER COHEN

BY: /s/  
HEATHER H. MUNOZ  
ATTORNEYS FOR PLAINTIFF JOHN KESSLER,  
ADMINISTRATOR OF THE ESTATE OF RUTH  
FOUND HAWKINS

DATED: NOVEMBER \_\_, 2007

UNITED STATES ATTORNEY

BY:   
DAVID DENIER  
ATTORNEYS FOR DEFENDANT THE UNITED  
STATES OF AMERICA

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IT IS SO ORDERED.

DATED: 11/7, 2007

BY: 

RICHARD SEEBORG  
UNITED STATES MAGISTRATE JUDGE

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